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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA

9 Plaintiff,

10 vs.

11 BRETT GIBBS,

12 Defendant.

13) Case No.: 2:09-cr-0419-PMP-LRL
14)
15) GOVERNMENT'S MOTION FOR
16) DOWNWARD DEPARTURE
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The United States, by and through Daniel G. Bogden, United States Attorney, District of Nevada, and Brian Pugh, moves for a downward departure of two levels based on BRETT GIBBS' substantial assistance pursuant to U.S.S.G., § 5K1.1.

Nature of Cooperation: Before being charged herein and on his own initiative, defendant approached law enforcement to provide cooperation. Defendant gave information regarding his own and coconspirators involvement in a mortgage fraud scheme. On two additional occasions, defendant provided statement to the U.S. Attorney's Offices. Three of defendant's coconspirators are charged by indictment in United States v. Depue, U.S. District of Nevada Case No. 2:10-cr-121-RLH-RJJ. Six others have pled guilty to charges filed by information. Defendant is willing to testify at the trial of his coconspirators. Defendant further assisted by recording conversations with three targets of the government's investigation.

Guideline Calculations: Defendant is a Criminal History Category I. Probation has calculated the total offenses level to be 16 after a 3-level reduction for acceptance of responsibility. The Government recommend the low end of the sentencing range. The guideline range is 21 to 27 months in prison, zone D. An additional two-level downward adjustment for “substantial assistance” would result in an offense level of 14 and a guideline range of 15 to 21 months in prison, zone D.

7 **Recommendation:** So long as Defendant continues to accept responsibility in accordance
8 with the terms of the plea memorandum, the United States will recommend that Defendant be
9 given a two-level downward adjustment for “substantial assistance” and be sentenced to the low-
10 end of the adjusted guideline range.

11 DATED this 20th day of April 2010.

Respectfully Submitted,

DANIEL G. BOGDEN
United States Attorney

~~BRIAN PUGH~~
Assistant United States Attorney

CERTIFICATE OF SERVICE

UNITED STATES OF AMERICA,

Plaintiff,

VS

BRETT GIBBS.

Defendant.

2:09-cr-00419 PMP-LRL

The undersigned hereby certifies that she is an employee in the office of the United States Attorney for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on April 20, 2010, she served a copy of the attached **GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE** by providing a copy to the person(s) hereinafter named, at the by facsimile to fax #702-382-1828

Addressee: John Wawerna

MICHELLE BAILEY
MICHELLE BAILEY
Legal Assistant Name